

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claims 22 and 31 are allowed.

In the Official Action, the Examiner rejects claims 27-29, and 32-35 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 1989-172813 to Kenichiro et al., (hereinafter "Kenichiro"). Furthermore, the Examiner rejects claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Kenichiro in view of U.S. Patent No. 6,264,664 to Avellanet (hereinafter "Avellanet").

In response, claims 27-30, and 32-35 have been canceled, thereby rendering the rejections thereof moot. Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 27-30, and 32-35 under 35 U.S.C. §§ 102(b) and 103(a).

Furthermore, new claims 36-39 have been added to further define the patentable invention.

The present application is directed to medical retrieval instruments. One of the distinctive features of the medical retrieval instruments recited in new claims 36-39 is that at least one of a sheath and a fixing member has a groove or a hole, provided in a predetermined position and direction for accommodating and fixing one end of at least one filament in the predetermined position and direction regulated by the groove or the hole.

Such a feature provides a significant advantage over medical retrieval instruments of the prior art, including that disclosed in Kenichiro. Namely, in an assembly process of the medical retrieval instrument, since the one end of the at least one filament is

accommodated and fixed in the predetermined position and direction, the assembly process is simpler and less costly.

On the other hand, Kenichiro discloses a sheath 1 and an annular fixing member 17. However, as shown in Fig. 4, neither the sheath 1 nor the annular fixing member 17 has a groove or a hole. Kenichiro teaches a space between the fixing member 17 and the distal end of the sheath 1, this space provides a gap between the fixing member 17 and the distal end of the sheath 1. Therefore, Kenichiro does not teach or suggest a groove or a hole, provided on at least one of the sheath and the fixing member.

In Kenichiro, since the sheath 1 and the annular fixing member 17 do not have a groove or a hole, in the assembly process of the medical retrieval instrument, it is difficult to mount the filament in the predetermined position and direction. Therefore, it takes more time, effort and associated costs to mount the filament. In other words, when the filament is pressed on a fixing member and the fixing member with the filament is fitted into a sheath, since the fixing member is ring-shaped and does not have a groove or a hole for regulating the filament in the predetermined-position and direction on its annular surface, the filament easily slips or otherwise moves on the outer surface of the fixing member.

For example, in Kenichiro, since the fixing member does not have a groove or hole on its surface, it is difficult to arrange a filament in a predetermined position and direction during assembly of the medical retrieval instrument. Even if the filament is arranged in the predetermined position and direction at first, the filament may easily move from the predetermined position and direction during assembly. Therefore, in Kenichiro, the operator in the assembly line must align the sheath, filament, and fixing member carefully and assemble these parts without causing any unintentional movements. For example, a rotating

movement of the fixing member against the sheath may cause the filament to twist. The medical retrieval instruments recited in new claims 36-39 overcomes the disadvantages of the prior art, including Kenichiro.

Therefore, a medical retrieval instrument having the features described above and as recited in new independent claims 36 and 38 are nowhere disclosed or suggested in either Kenichiro or Avellanet. Accordingly, independent claims 36 and 38 patentably distinguish over Kenichiro and Avellanet, both individually and in combination and are allowable. Claims 37 and 39 being dependent upon claims 36 and 38 are thus allowable therewith.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", with a stylized flourish at the end.

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm